

36540

MEMORANDUM OF CONTRACT

MEMORANDUM OF contract of sale, dated November 10, 1975, between DONALD A. HURD and LINDA J. HURD, husband and wife, VENDORS, and WENDELL P. SPERLING and SHERRY L. SPERLING, husband and wife, PURCHASERS;

WITNESSETH:

That pursuant to House Bill 2087, Chapter 618, Sections 3 and 4, the following memorandum has been executed for recording purposes:

1. NAME OF VENDORS: Donald A. Hurd and Linda J. Hurd, husband and wife.
2. NAME OF PURCHASERS: Wendell P. Sperling and Sherry L. Sperling, husband and wife.
3. DESCRIPTION OF LEGAL PROPERTY: Located in Klamath County, Oregon, at Route 3, Box 1146-X, Shady Pine, Oregon, a more particular description of which is attached hereto marked Exhibit A.
4. INTEREST TRANSFERRED: Vendor's equity in real property described in No. 3 above.
5. TERMS OF CONTRACT: Purchase price of \$280,000.00, payable as follows: \$81,200.00 down, with a balance of \$198,800.00 payable over a period of 20 years, with interest at 7 percent per annum. Payments are in equal annual installments of \$18,766.72, including interest on the 15th day of October, 1976, with a like payment on the 15th day of October of each year thereafter, until both principal and interest has been paid in full. Said contract is escrowed at the First National Bank of Oregon, Klamath Falls Branch, Klamath Falls, Oregon, with placement of the original contract and warranty deed of the Vendors in said escrow, with instructions to deliver the warranty deed to the Purchasers upon completion of the payment of the balance due on said contract, along with the interest in full, according to the terms of the contract.
6. TRUE AND ACTUAL CONSIDERATION: The true and actual consideration of the transfer is \$280,000.00.

(This Memorandum of Contract is executed for the purpose of correcting the description of that certain Memorandum of Contract executed by the above parties dated November 10, 1975, recorded November 13, 1975, Vol. M75, page 14306, Deed Records of Klamath County, Oregon.)

VENDORS

Donald A. Hurd
Linda J. Hurd

PURCHASERS

x Wendell P. Sperling
x Sherry L. Sperling

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SAVING AND EXCEPTING THEREFROM the following described tracts:

A piece or parcel of land situate in Lot 6, Section 30, Township 37 South, Range 9 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the meander corner of the Westerly boundary of Section 30, Township 37 South, Range 9 East of the Willamette Meridian, from which the northwest corner of said section bears North 1°17' East 1803.1 feet distant; thence South 0°33' West along the Westerly boundary of said Section 30, 460.6 feet; thence East 283.0 feet, more or less, to the meander line; thence North 31°10' West along the meander line 538.3 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM a piece or parcel of land situate in Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the Willamette Meridian, being more particularly described as follows:

All those portions of Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the Willamette Meridian lying Northerly and Easterly from the center-line of Klamath County Road No. 698 (Original Dalles-California Highway) as the same is presently located and constructed.

EXCEPTING THEREFROM a parcel of land situated in Lots 1 and 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian and being more fully described as follows:

Beginning at the meander corner on the Easterly boundary of the said Section 25, Township 37 South, Range 8 East of the Willamette Meridian from which the Northeasterly corner of the said Section 25 bears North 1°17' East, 1507.4 feet distant, and running thence South 0°33' West along the said Easterly boundary of the said Section 25, 460.6 feet; thence West 466.6 feet, more or less, to the point in the Easterly boundary of the right of way of the relocated Dalles-California Highway, as the same is now established and staked on the ground; thence Northerly along the said right of way boundary 1515 feet, more or less to its intersection with the Westerly boundary of the right of way of the original Dalles-California Highway as the same is now located and constructed; thence Southeasterly along the last mentioned right of way boundary 1185 feet, more or less, to its intersection with the said Easterly boundary of the said Section 25; thence South 1°17' West 5 feet, more or less, to the said point of beginning.

SAVING AND EXCEPTING that portion thereof conveyed to State of Oregon, by and through its State Highway Commission by deed recorded January 28, 1942, Volume 144, page 481, records of Klamath County.

ALSO RESERVING AND EXCEPTING from said property a parcel of land 25 feet in width, being 12½ feet on each side of the following described center line:

Beginning at a point in the line marking the Easterly boundary of said Section 25, from which the above mentioned meander corner bears North 0°33' East 176.4 feet distant and running thence; North 27°39' West 597.7 feet; thence North 26°20' West 222.8 feet; thence West 125.4 feet, more or less, to a point in the above mentioned Easterly boundary of the right of way of the relocated Dalles-California Highway as the same is now established and staked upon the ground.

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EXHIBIT A

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PARCEL 1: Lots 6, 7 and 8 of Section 30, Township 37 South, Range 9 East of the Willamette Meridian.

PARCEL 2: All that portion of Lot 2 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Westerly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Westerly boundary of said Lot 2, SAVING AND EXCEPTING THEREFROM that certain tract as conveyed to Richard J. Conroy by deed dated April 26, 1937, recorded in Volume 109, page 19, Deed Records of Klamath County, Oregon.

PARCEL 3: All that portion of Lot 4 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Northerly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Northerly boundary of the said Lot 4.

PARCEL 4: All that portion of Lot 5 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Northwestern boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Northwestern boundary of said Lot 5, SAVING AND EXCEPTING THEREFROM that certain tract conveyed to J. J. Wissenback by deed dated December 28, 1935, recorded in Book 107, page 443, Deed Records of Klamath County, Oregon.

PARCEL 5: All of Lots 7 and 8 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, SAVING AND EXCEPTING THEREFROM that certain tract as conveyed to Emanuel Nedvidek by deed dated October, 1928, recorded in Volume 81, page 278, Deed Records of Klamath County, Oregon.

PARCEL 6: Lot 12, Section 31, Township 37 South, Range 9 East of the Willamette Meridian.

PARCEL 7: Lots 9, 10, 11 and 13 of Section 31, Township 37 South, Range 9 East of Willamette Meridian.

PARCEL 8: All of those portions of Lots 6 and 8 of Section 25 and Lots 1, 2 and 3 of Section 36, Township 37 South, Range 8 East of the Willamette Meridian, which lie Easterly from the Easterly boundary of the right of way of the Oregon Eastern Railway (Southern Pacific Railway).

All of those portions of Lots 1 and 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, which lie easterly from the Easterly boundary of the right of way of Oregon Eastern Railway (Southern Pacific Railway) SAVING AND EXCEPTING THEREFROM that certain tract heretofore conveyed to Leonard Hamilton by deed dated March 16, 1940, recorded in Volume 128, page 279, Deed Records of Klamath County, Oregon, AND ALSO EXCEPTING THEREFROM those certain parcels deeded to the State of Oregon, by and through its State Highway Commission by Robert E. Graham, et al., dated April 11, 1940, recorded April 29, 1940, and T. B. Watters, et ux., dated August 2, 1941, recorded August 15, 1941, in Volume 129, page 21 and Volume 140, page 349, respectively, Deed Records of Klamath County, Oregon.

PARCEL 9: All that portion of Lot 8 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, more particularly described as follows: Beginning at a point in the Section line between Sections 30 and 31 of said Township and Range, which marks the northerly boundary of said Lot 8, and from which the meander corner between the said sections bears North 88°03' East 115.6 feet distant, and running thence South 88°03' West along the said Section line 680.2 feet, more or less, to the northwesterly corner of the said Lot 8; thence South 1°16' West along the westerly boundary of the said Lot 8, 795.7 feet; thence North 88°03' East and parallel with the northerly boundary of the said Lot 8, 978.6 feet; thence North 19°39½' West 834 feet, more or less, to the said point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 29th day of SEPTEMBER A.D., 1977 at 3:37 o'clock P.M., and duly recorded in Vol M77 of DEEDS on Page 18392.

FEE \$ 9.00

WM. D. MILNE, County Clerk

By Bernetha H. Hatch Deputy

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